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Letter dated 19 March 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report of Gabon submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ricardo Alberto **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

07-28072 (E) 170407

Annex

Note verbale dated 15 March 2007 from the Permanent Mission of Gabon to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

The Permanent Mission of the Gabonese Republic to the United Nations presents its compliments to the Committee and has the honour to transmit to it herewith the third report on the measures taken by Gabon to combat international terrorism pursuant to resolution 1373 (2001) (see attachment).

Attachment

National report of Gabon on counter-terrorism

1. Implementation measures

Question number	*Comments*
1.2	– Yes, Gabon does have Community legislation against money-laundering, which includes terrorist activities among the primary predicate offences. – Gabon can transmit the statutory provisions set out in the regulations of the Central African Economic and Monetary Community (CAEMC) and the Central African Banking Commission (COBAC), which are supra-national laws. – Yes, Gabon could inform the Committee of the penalties provided by law for violations of these reporting obligations (cf. CAEMC regulations). – Yes, the Committee may receive an outline of the legal provisions in the CAEMC regulations on the persons subject to them (lawyers, accountants, etc.; cf. CAEMC regulations and article 5 of the COBAC regulations). – Yes, Gabon has a national Financial Intelligence Unit responsible for monitoring the implementation of the reporting obligation and a subregional Banking Commission (COBAC) responsible for monitoring compliance with and implementation of the rules on reporting.
1.3	Cf. CAEMC Regulation No. 01/03/CEMAC/UMAC/CM of 14 April 2003 on the prevention and suppression of money-laundering and financing of terrorism.
1.4	– This issue is dealt with by the CAEMC regulations. Furthermore, legislation on counter-terrorism is currently being drafted. To that end, a workshop on the ratification and legislative incorporation of the universal instruments relating to terrorism was held in Libreville, Gabon on 14-16 November 2006 in cooperation with the United Nations Office on Drugs and Crime (UNODC). – The gap in Gabon's Criminal Code, which to date lacks any direct response to offences specifically related to terrorism, is filled by existing Community provisions. Those provisions are directly enforceable in member States.
1.5	Financial institutions other than banks (Public Treasury, travel agencies, money changers, tax advisors, notaries, etc.) are subject to and therefore governed by CAEMC regulations.
1.6	– Banks are required to monitor movements of funds and all legal financial networks (cf. COBAC and CAEMC regulations) for payments to non-governmental organizations (NGOs) and other charitable or purportedly charitable organizations to prevent any diverting of funds. – Interpol Gabon also has some jurisdiction in the area of funds monitoring; however, owing to the existence of parallel financial networks created by begging and religious tithing, as well as the low rate of use of the banking system, this is a difficult task.
1.7	The Financial Intelligence Unit has a procedure whereby the funds of any person listed as or suspected of engaging in or financing terrorist activities are automatically frozen. This procedure is set out in title 6 of the CAEMC regulations on international cooperation.

1. Implementation measures

Question number	*Comments*
1.8	There are three legal provisions governing the movement of weapons in Gabon: – Decree of 1 December 1943; – Act 46/60 of 8 June 1960; – Act 15/83 of 24 January 1983.
1.9	With respect to terrorist activities in Gabon, no specific legislation currently exists. Legislation on terrorist activities is being drafted. With respect to financing, CAEMC and COBAC regulations apply.
1.10	As a matter of principle, Gabon does not allow entry to this type of criminal. It is a party to the conventions on mutual legal assistance and to a number of Community regulations. The competent documentation units thoroughly investigate all applicants before issuing ordinary passports. The Ministry of Foreign Affairs issues diplomatic and service passports only to senior officials and eminent persons. Issuance of these types of passports is also tightly restricted.
1.11	No such offence exists. Anti-terrorism legislation is currently being drafted.
1.12	– Palermo and Tananarive Conventions Conventions have been signed between member States of CAEMC and the Economic Community of Central African States (ECCAS). Gabon has concluded several bilateral and multilateral conventions on mutual legal assistance and extradition. With respect to multilateral instruments, Gabon is a party to the Statute of the International Criminal Court (ICC), the Palermo Convention, ECCAS, CAEMC, and the Tananarive Convention. – For countries with which Gabon has not signed such agreements, extradition takes place nevertheless on a case-by-case basis. In short, cooperation exists between Gabon and other States regardless of the circumstances. A person accused of terrorist acts may be convicted or extradited if: – legal documents are provided to the competent Gabonese authorities indicating that the offence was committed under the legal system of the State of which the accused is a national or a resident; – the acts in question are punishable offences under the Gabonese legal system. The "prosecute or extradite" principle applies in Gabon. Pursuant to United Nations provisions incorporated into national legislation, henceforth terrorist acts will no longer be characterized as political acts.
1.13	With respect to the financing of terrorism, title 6 (art. 56 et seq.) of the CAEMC regulations on international cooperation applies. The legislation being drafted provides a special procedure for the seizure and confiscation of property and valuables.

1. Implementation measures

Question number	*Comments*
	A law does exist on mutual legal assistance in criminal investigations. However, cooperation is easier with States that have signed agreements to which Gabon is also a party.
1.14	Act of 1986 regulating immigration to Gabon and cf. Criminal Code (provision on counterfeiting, forgery and fraudulent use of documents, etc.)
1.15	Cf. National Commission for Refugees
1.16	UNODC report attached, reply to the questionnaire from the recent workshop on the United Nations mission to monitor sanctions against Al-Qaida and the Taliban.

2. Assistance and guidance

Gabon reiterates its request for the following assistance, as set out in the plan of action that emerged from the national workshop on the ratification and legislative incorporation of the universal instruments relating to terrorism held from 14 to 16 November 2006 in Libreville:

- Technical and material assistance to publish, reproduce and disseminate its amended Criminal Code and Code of Criminal Procedure incorporating the aforementioned instruments;
- Organization of a national workshop in Libreville in early July 2007 to train judges and other criminal justice workers on the mechanisms for international cooperation in criminal matters;
- In cooperation with the Counter-Terrorism Committee (CTC) and the Security Council Committee established pursuant to resolution 1267 (1999), organization of working sessions with videoconferencing to assist the competent national authorities in Gabon in preparing their reports to those committees.

Convey to CTC the following requirements for technical assistance:

- Counter-terrorism training for operational services personnel, including training in detection of forged travel documents and border control;
- Material assistance for detection of hazardous and prohibited materials at the borders.